

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR PORTER COUNTY)

Case No. 64S00-1404-MS-302

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Porter Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Porter Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR64-AR01-3000 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Porter Circuit and Superior Court Local Rule, LR64-AR01-3000, set forth as an attachment to this Order, is approved effective the date of this Order, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. William E. Alexa, Porter Superior Court, 16 Lincolnway, Valparaiso, IN 46383; to the Hon. Roger V. Bradford, Porter Superior Court, 16 Lincolnway, #338, Valparaiso, IN 46383; to the Hon. David L. Chidester, Porter Superior Court, 16 Lincolnway, #228, Valparaiso, IN 46383; to the Hon. Mary R. Harper, Porter Circuit Court, 16 Lincolnway, Valparaiso, IN 46383; to the Hon. Julia M. Jent, Porter Superior Court, 3560 Willowcreek Road, Portage, IN 46368-5995; to the Hon. Jeffrey L. Thode, Porter Superior Court, 3560 Willowcreek Road, Portage, IN 46368-5995; to the Clerk of the Porter Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Porter Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on April 23, 2014.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

3000.100 Selection of Special Judges under Trial Rule 79(H)–Superior Division

For case type categories CT, MH, PO, MI, PL, CC and MF, and any other civil case type designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), the Court Administrator shall maintain an opaque container in which shall be placed one black marble, one white marble and one green marble. In the event that any judge of the Superior Division of the Porter Superior Court grants a motion for change of venue from the judge or recuses him or herself and the parties do not timely agree to an eligible special judge under Indiana Trial Rule 79(D) or, if the special judge selected does not timely qualify, the Court Administrator shall select a marble from the above mentioned opaque container. The special judge shall be assigned based on the color of the marble chosen by applying LR64-AR01-3000.40. However, if applying this rule would result in the same judge who granted the change of venue being named as special judge, the Court Administrator shall draw another marble from the two remaining and the special judge shall be assigned based on the color of that marble.

If the receiving court, as mentioned above, likewise disqualifies himself or herself from hearing the case under the Rules of Judicial Conduct, and no Superior Court Judges, Superior Division, are selected and the parties have not timely agreed upon an eligible special judge under Indiana Trial Rule 79(D), the clerk of court shall select a special judge from a list of full-time judicial officers from counties within the administrative district of the court as set forth in Administrative Rule 3(A) and senior judges who have agreed and are eligible to serve. This list includes:

1. The Judge of the Porter Superior Court Division 3
2. The Judge of the Porter Superior Court Division 4
3. The Judge of the Porter Superior Court Division 6
4. Any Porter County Magistrate or Commissioner
5. The Judge of the Jasper Superior Court
6. The Judge of the Jasper Circuit Court
7. The Judge of the Newton Circuit Court
8. The Judge of the Newton Superior Court
9. The Judge of the Benton Circuit Court
10. Any qualified Senior Judge utilized by the Judges of Porter County

A trial court may request the Indiana Supreme Court to appoint a special judge in the following circumstances:

1. No judge under the local rule is available for appointment; or
2. The particular circumstance warrants selection of a special judge by the Indiana Supreme Court.

3000.110 In case type categories DR, RS, ES, EU, GU, TR, JP AND JC, and any other domestic relations or estate related civil case designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), if the cause number of the case in which a special judge needs to be appointed begins with 64D01, 64D03, 64D05 or 64C01, Porter County Magistrate #2 shall be appointed as special judge. If the cause number of the case begins with 64D02, 64D04 or 64D06, then Porter County Magistrate #1 shall be appointed as special judge.

3000.120 If the above procedures do not result in the selection of a special judge, the clerk of the court shall select a special judge from the following list of full-time judicial officers from counties within the administrative district of the court as set forth in Administrative Rule 3(A) and senior judges who have agreed and are eligible to serve:

1. The Judge of the Jasper Circuit Court
2. The Judge of the Jasper Superior Court
3. The Judge of the Newton Circuit Court
4. The Judge of the Newton Superior Court
5. The Judge of the Benton Circuit Court
6. Any Senior Judge listed by the Porter County Superior Courts, as approved.